

<p style="text-align: right;">Page 212</p> <p>1 (P-54, Fax Cover Page dated 3/12/03, 2 marked.) 3 (P-55, Internal Connection Percentages 4 Years 1-6, marked.) 5 (P-56, Document, marked.) 6 (P-57, E-Rate Selective Review 7 Information Funding Year 2004, marked.) 8 (P-58, Bids Received By FRN, marked.) 9 (P-59, E-Rate Selective Review 10 Information, marked.) 11 (P-60, E-mails, marked.) 12 (P-61, E-mails, marked.) 13 (P-62, E-mails, marked.) 14 (P-63, Invoice No. 50059, marked.) 15 (P-64, Invoice No. 50058, marked.) 16 (THERE IS NOT AN EXHIBIT P-65.) 17 (P-66, E-mails, marked.) 18 (P-67, E-mails, marked.) 19 (P-68, Funding Year 2003 Selective 20 Review Additional Questions, marked.) 21 (P-69, Memo dated 1/29/04, marked.) 22 (P-70, E-mails, marked.) 23 (P-71, Letter with attachment, marked.) 24 (P-72, E-mails, marked.) 25 (P-73, EPlus's Response to Atlantic City</p>	<p style="text-align: right;">Page 214</p> <p>1 (P-94, What Every School Wants, a PVBX, 2 marked.) 3 MARTIN FRIEDMAN, having been duly sworn, 4 testified as follows: 5 EXAMINATION BY MR. KIRCHNER: 6 Q. Good morning, Mr. Friedman. This is a 7 continuation of your deposition. All of the 8 instructions and I guess points of order that we 9 discussed at the last deposition including those 10 raised by your attorney will still apply today. 11 Is that understood? 12 A. Yes. 13 Q. Okay. Do you need me to repeat the 14 instructions to you? 15 A. No. 16 MR. KIRCHNER: Before we start 17 questioning, just a couple housekeeping matters. 18 I know you want to have a continuing 19 objection on the record -- 20 MS. WEINSTEIN: That's correct. 21 MR. KIRCHNER: -- Miss Weinstein, but 22 before we do that, going through the transcript of 23 the last session of this deposition, there were a few 24 items that were disputed and I wanted to just check 25 with counsel to see if any progress had been made on</p>
<p style="text-align: right;">Page 213</p> <p>1 School District's 470 #526880000481973 Form, marked.) 2 (P-74, E-mail, marked.) 3 (P-75, E-mail, marked.) 4 (P-76, Sign-in Sheets, marked.) 5 (P-77, Year 7 E-Rate Projects, marked.) 6 (P-78, E-mails, marked.) 7 (P-79, E-mails, marked.) 8 (P-80, E-mail, marked.) 9 (P-81, Handwritten Documents, marked.) 10 (P-82, E-mails, marked.) 11 (P-83, E-mails, marked.) 12 (P-84, Fax Cover Sheet dated 12/8/03, 13 marked.) 14 (P-85, E-mails, marked.) 15 (P-86, E-mail, marked.) 16 (P-87, E-mails, marked.) 17 (P-88, Retainer Agreement for Interim 18 Technical Support Services and Invoice No. 45230, 19 marked.) 20 (P-89, Purchase Order, marked.) 21 (P-90, Letter dated 1/9/04, marked.) 22 (P-91, E-mail, marked.) 23 (P-92, Documents, marked.) 24 (P-93, Network Diagram of ACBOE (IP, 25 IPX, AppleTalk), marked.)</p>	<p style="text-align: right;">Page 215</p> <p>1 those. 2 Number 1 was Mr. Friedman testified 3 about a written report to the School Board regarding 4 the status of the Year 5 E-Rate program awards. 5 And I believe you said there was a memo 6 to Mr. Nickels dated around November or December of 7 2002, and I had indicated that we did not receive 8 that document. 9 I was wondering if any effort had been 10 made to locate that either by Miss Friedman or Mr. 11 Blee -- Miss Weinstein, excuse me. 12 MR. BLEE: I have not had an opportunity 13 to review this since the time I had a jury trial and 14 order to show cause so.... 15 MR. KIRCHNER: Okay. So, nothing has 16 been done to date? 17 MR. BLEE: I can't speak for Miss 18 Weinstein. 19 MS. WEINSTEIN: My understanding is that 20 that document was presented at the School Board -- 21 at a meeting of the School Board as a public document 22 and would have been produced by the School Board. 23 I have done no independent 24 investigation, but if it becomes necessary I would do 25 that.</p>

Page 1

1 SUPERIOR COURT OF NEW JERSEY  
2 LAW DIVISION - ATLANTIC COUNTY  
3 DOCKET NO. ATL-L-477-04

4 RELCOMM, INC.,  
5 Plaintiff,  
6 vs.  
7 ATLANTIC CITY BOARD OF EDUCATION;  
8 FREDRICK P. NICKLES; MICRO  
9 TECHNOLOGY GROUPE, INC.; DONNA  
10 HAYE; MARTIN FRIEDMAN; ALEMAR  
11 CONSULTING; and JOHN DOES 1-20,  
12 Defendants.

Monday, December 20, 2004

ORIGINAL

13 Oral sworn deposition of FREDRICK P.  
14 NICKLES, taken at the law offices of Jacobs &  
15 Bardone, 1125 Pacific Avenue, Atlantic City, New  
16 Jersey, before Robert J. Boccolini, Certified  
17 Shorthand Reporter and Notary Public of the State of  
18 New Jersey, on the above date, commencing at 10:10  
19 a.m., there being present:

20 FLASTER GREENBERG  
21 1810 Chapel Avenue West  
22 Cherry Hill, NJ 08002  
23 BY: J. PHILIP KIRCHNER, ESQ.  
24 Attorneys for Plaintiff  
25

26  
27 TATE & TATE  
28 The Lexington Building, Suite 5  
29 180 Tuckerton Road  
30 Medford, New Jersey 08055  
31 (856) 983-8484 - (800) 636-8283  
32 www.tate-tate.com

1 Q. And did the board accept it?

2 A. Yes. 

3 Q. Did you do any independent analysis yourself  
4 to determine whether his recommendation was  
5 appropriate or not?

6 A. No, I did not.

7 Q. Do you know if anyone else at the school  
8 district did?

9 A. Not to my knowledge.

10 Q. Now, we also talked about the lease/purchase  
11 arrangement.

12 A. Yes.

13 Q. That was actually for computer equipment,  
14 wasn't it?

15 A. That's correct.

16 Q. That had nothing to do with the E-Rate  
17 program; is that correct?

18 A. That is correct. But I only responded  
19 because you asked me concerning the gray market.

20 Q. Right.

21 A. Right.

22 Q. That's my point. The gray market accusation  
23 is not related to any E-Rate contract; is that  
24 correct?

25 A. That is correct, to the best of my knowledge.

---

1 you this, and if I did I apologize, but do you  
2 recall -- you testified about a meeting you had with  
3 Mr. Friedman at your office.

4 Do you recall when that was to talk about the  
5 Year 6 E-Rate awards?

6 A. No. I'd have to refer to my calendar.

7 Q. Okay. Was it in your office at the school  
8 district headquarters?

9 A. It was either in my office or my conference  
10 room directly next to my office.

11 Q. And what occurred at the meeting?

12 A. Are you talking about the very first meeting?

13 Q. No. I'm talking about the meeting to  
14 specifically talk about the Year 6 awards.

15 A. Oh.

16 Q. I believe you testified that Mr. Friedman  
17 took the bids and then analyzed them.

18 A. Yes.

19 MS. WEINSTEIN: Objection.

20 THE WITNESS: But I don't think there  
21 was a meeting after that until such time as Mr.  
22 Friedman came back with a recommendation.

23 Q. Okay. Do you recall whether his  
24 recommendation was in writing?

25 A. I don't recall.

1    **A.**           **I'm not sure of the year.**

2    **Q.**           **So, was it you who called Mr. Friedman?**

3    **A.**           **I believe so.**

4    **Q.**           **And did you set up meeting?**

5    **A.**           **Yes.**

6    **Q.**           **And did you have that meeting?**

7    **A.**           **Yes.**

8    **Q.**           **Do you recall approximately when that was?**

9    **A.**           **No.**

10   **Q.**           **Was it at the school district?**

11   **A.**           **Yes. It was in my conference room.**

12   **Q.**           **And who was present at that meeting?**

13   **A.**           **I believe it was probably Donna Hays, Lesley**  
14   **Motz, and Marilyn Cohen.**

15   **Q.**           **Mr. Jones wasn't there?**

16   **A.**           **No. Mr. Jones has objected to everything**  
17   **that we wanted to do with the review of technology.**  
18   **He was going to certain board members trying to**  
19   **interrupt what I felt was a direction we needed to go**  
20   **in for technology.**

21               **So, I did not -- I lost -- I had lost**  
22   **confidence in Mr. Jones.**

23   **Q.**           **At the meeting with -- the first meeting with**  
24   **Aleamar, what did you discuss?**

25   **A.**           **What services he could provide, his company,**

1       A.       I had a company called ComTec contact me, and  
2       ComTec was a company out of Vineland, I believe, and  
3       the gentleman, whose name escapes me at this present  
4       time, said he had made contact with Jon Jones about  
5       doing a telephone review proposal, they sent in the  
6       proposal, now Mr. Jones won't even talk to him about  
7       the telephones, and that piqued my interest.

8               So, I set up a meeting and ComTec came down  
9       and we reviewed the proposal and eventually they did  
10      work for us, did some good work for us.

11              But to answer your question specifically, as  
12      I was sharing some of my concerns because they have  
13      knowledge of computer technology, and as I was  
14      sharing their concerns I independently asked them to  
15      review this report, and as you're going around they  
16      wanted to take a look at some of the telephone  
17      connections, tell me what you think, to get another  
18      opinion about our technology.

19              It was at that time at one of our meetings --  
20      wasn't the first meeting, but at a subsequent meeting  
21      when I was talking about I have a lack of confidence  
22      with the way the E-Rate is being handled, and I  
23      asked: Do you know of anyone who serves as a  
24      consultant on E-Rate matters because it's a very  
25      complicated process, although now I know more about

FROM  
MF

1 Friedman or not.

2 But when the results came back, it was not an  
3 issue because they were not being recommended for any  
4 type of work with the school district.

5 Q. When you received the Omicron report in  
6 October, on October 22 or thereabouts, 2002, what did  
7 you do with the report?

8 A. Obviously I read it. I believe we had  
9 enough copies that I presented it to the Board of  
10 Education.

11 Q. And did you recommend to the Board of  
12 Education that it accept Omicron's recommendations?

13 A. I don't recall specifically doing that as far  
14 as a motion would be concerned. I would probably  
15 have just given to it them for their review, probably  
16 to be discussed at a later time.

17 Q. Do you recall at the time you received that  
18 report, and I'm referring to Exhibit P-6, do you  
19 recall whether you agreed with the report at that  
20 time?

21 A. P-6, page 6?

22 Q. No.

23 MR. BLEE: P-6 is the entire document.

24 MR. KIRCHNER: The entire document.

25 MR. BLEE: He wasn't referring to a

1 Education building. It was at that time that I  
2 recognized Omicron had put in a submittal.

3 At that time I felt that there would be a  
4 conflict of interest since they served as a  
5 consultant, and I don't specifically remember the  
6 discussions, but in looking over the bid packets,  
7 they were not the lowest -- I wouldn't say the  
8 lowest responsible bidder. They were not the bidder  
9 who submitted the best proposal for the E-Rate money  
10 for the school district at the lowest possible price.

11 Q. Was that your conclusion?

12 A. That was my conclusion with our professional.

13 Q. And your professional would be Mr. Friedman  
14 of Alemar; is that right?

15 A. That is correct, yes.

16 Q. Did you have discussions with Mr. Friedman  
17 about that?

18 A. I don't recall specifically.

19 Q. Who ultimately made the decision to whom to  
20 award contracts as a result of the Year 6 bid?

21 A. After they were received, Mr. Friedman took  
22 the bids, analyzed them, and came back with a  
23 recommendation after his analysis.

24 Q. And to whom did he make that recommendation?

25 A. Well, he probably made it to me and whoever



Page 82

1 specific page.

2 MR. KIRCHNER: No, I'm just --

3 MR. BLEE: He was confused.

4 Q. I'm sorry, let me rephrase it.

5 A. **That's all right.**

6 Q. In general, at the time you received the  
7 report which has been marked as P-6, do you recall  
8 whether you agreed with the recommendations contained  
9 in that report?

10 A. I don't know that I agreed or disagreed. It  
11 was a third party evaluation of what a third party  
12 saw, keeping in mind perhaps that third party has  
13 interest in doing work in the school district.

14 So, I appreciated the report, I read it,  
15 digested, but I took no action on it at that time.

16 Q. Did Omicron make a presentation to the School  
17 Board? ★

18 A. I believe they did, but I'm not exactly sure.  
19 I believe they may have been present and may have  
20 made a presentation, but I'm not sure.

21 Q. Do you recall any decisions being made by the  
22 School Board as a result of Omicron's presentation?

23 A. I don't believe the Board of Education made  
24 any decision based on that report itself.

25 Q. How did you come to have contact with Alemar?

Page 84

1 it than I really want to know, and the recommendation  
2 for Alemar and Martin Friedman came from -- the  
3 gentleman's name is Paul Boyer, who was at ComTec,  
4 he's now with another company, who recommended that I  
5 may want to contact Mr. Friedman because he knows  
6 that he does work in other schools where ComTec has  
7 done work. That's how I got the name Martin  
8 Friedman.

9 Q. Do you recall when that was?

10 A. No. It was sometime after this report.

11 MR. BLEE: Referring to P-6.

12 THE WITNESS: P-6. And prior to Mr.  
13 Friedman having a contract with the Board of  
14 Education.

15 Q. And do you recall when Mr. Friedman had a  
16 contract?

17 A. I think it was sometime in January of 2002, I  
18 believe.

19 Q. January of 2003 maybe?

20 A. Maybe 2003, yeah.

21 Q. This report is dated October 22 of 2002, so  
22 it would have been after that, right?

23 A. Okay. That's correct. So it probably is  
24 2003.

25 Q. Okay.

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Page 86

1 his professional background, what schools he has  
2 represented or did represent, more of a character  
3 meeting to determine who, what, where, when.

4 Q. And as a result of that meeting, did you make  
5 a decision to recommend to the School Board that  
6 Alemar be retained?

7 A. Not at that time. I believe there were  
8 additional meetings exploring, you know, the  
9 possibilities of his company working with the school  
10 district to develop the E-Rate.

11 At some point in time, but I don't remember  
12 specifically when, prior to it appearing on the board  
13 agenda, I and, you know, those present felt that Mr.  
14 Friedman or Alemar was the appropriate individual and  
15 company to do our E-Rate application and it was taken  
16 to the Board of Education.

17 MR. KIRCHNER: Okay. Why don't we take  
18 a break here for lunch.

19 MR. BLEE: Fine.

20 (Lunch break.)

21 BY MR. KIRCHNER:

22 Q. Mr. Nickles, we were talking before lunch  
23 about Year 6 E-Rate --

24 A. Yes.

25 Q. -- contracts and whatnot. I may have asked

Page 88

1 Q. And did you have a meeting to discuss his  
2 recommendation?

3 A. Not prior to him making the recommendation.

4 Q. Okay.

5 A. We had a meeting after the recommendation to  
6 talk about the implementation of the different  
7 recipients that were being recommended under the Year  
8 6 E-Rate grant.

9 Q. When you say you didn't have a meeting prior  
10 to his making the recommendation, to whom did he make  
11 his recommendation?

12 A. I don't recall the procedure.

13 Q. Well, how did Mr. Friedman's recommendation  
14 get to the Board of Education?

15 A. Well, it had to come to me via either I would  
16 imagine written correspondence.

17 If it didn't happen that way, then Mr.  
18 Friedman came to the board, but I really can't speak  
19 on that for Mr. Friedman. I don't remember.

20 Q. Okay. Did you, you personally, did you  
21 accept his recommendation?

22 A. Yes.

23 Q. And did you present his recommendation to the  
24 board?

25 A. Yes.

Page 90

1 Q. So, am I correct that that would not be a  
2 reason you would give for not approving payment to  
3 RelComm for any of the E-Rate moneys?

4 A. No. The only connection it could have is if  
5 work was being done on those lease/purchase computers  
6 and we did not have the warranties and if work was  
7 being done improperly with E-Rate funds. That could  
8 be the only connection that I can see at this time.

9 Q. And that was your testimony before, that you  
10 didn't want the school district to get in trouble for  
11 violating E-Rate rules?

12 A. That's correct.

13 Q. Okay. Turning to your testimony about lack  
14 of work order, you found a lack of work order and it  
15 is was one of the reasons you gave for not  
16 authorizing to payment to RelComm?

17 A. I don't know that we found any work orders.

18 Q. Do you know if anyone at the school district  
19 communicated to RelComm a requirement to produce work  
20 orders?

21 A. I do not know that, although it is standard  
22 practice before anybody gets paid, normally there's  
23 supporting documentation attached to the purchase  
24 order or to the voucher, the payment voucher,  
25 indicating what work was done and performed, and then

Page 80

1 was in the meeting with me, and we ultimately made it  
2 to the Board of Education.

3 Q. So, is it your testimony that there was a  
4 meeting at which time Mr. Friedman discussed with you  
5 his recommendations in response to the Year 6 bid?

6 A. I believe so. I don't specifically recall,  
7 but that's normally how I handle things.

8 Q. And do you recall who was at that meeting?

9 A. Not specifically, but I would assume, because  
10 most of the meetings are of the same people, would be  
11 myself, Donna Haye, Marilyn Cohen, maybe Lesley Motz  
12 at that time. I'm not sure who else would have been  
13 there.

14 Q. Was Mr. Jones there?

15 A. I don't recall. I would assume Mr. Jones  
16 was not there.

17 Q. So, I want to be sure I understand your  
18 testimony.

19 Was it your conclusion independently or did  
20 you reach a conclusion as a result of discussions  
21 with Mr. Friedman that Omicron was not the best  
22 solution at the lowest possible price?

23 A. I don't recall specifically. I knew they  
24 put in a proposal. I had a concern. I don't  
25 remember if I specifically discussed it with Mr.

1 this document. If this document was approved, then  
2 there should be a signed version.

3 If it was -- if this was not the contract  
4 that the attorney drafted, then there would be  
5 another document signed.

6 This was what Alemar Consulting brought to  
7 the school district and wanted someone in the  
8 position of authorization to sign it. It's not  
9 signed because the board at that time did not approve  
10 it.

11 So, no document would have been signed until  
12 the board gave approval for the expenditure of money  
13 for that contract.

14 At that time one of three people may have  
15 been given permission to sign it, either the board  
16 president, the business administrator, or myself.

17 Q. Okay. Do you know did the School Board ever  
18 approve a contract with Alemar for Year 6?

19 A. Yes.

20 Q. And do you know when that occurred?

21 A. I would it was either December, and that may  
22 have been the meeting where it was postponed until  
23 January 14th, I believe, and again I'm not familiar  
24 with the year.

25 It was whenever they did the Year 6. It was

Page 108

1     **probably 2003 or 2004. I forget which.**

2     Q.       Do you see the date next to Mr. Friedman's  
3     signature on the at the bottom of the page?

4     A.       **11/21/02.**

5     Q.       Right.

6     A.       **Um-hum.**

7     Q.       So, that would place the meeting in around  
8     January of '03 that you're referring to; is that  
9     right?

10    A.       **Yes, I would assume so. Yes.**

11    Q.       Now, isn't it true that Mr. Friedman began  
12    performing services for the school district before  
13    that date?

14    A.       **No, I don't believe it is true.**

15    Q.       Do you know when Mr. Friedman filled out the  
16    forms to put out the bid request for Year 6?

17    A.       **No, I do not.**

18    Q.       Is it your belief that that occurred after  
19    the January board meeting where his contract was  
20    approved?

21    A.       **Not necessarily.**

22    Q.       Okay. Why do you say not necessarily?

23    A.       **I don't know when he did it. I don't know  
24    if he started working on the project, assuming he was  
25    going to receive a contract, or when. I don't know**



1 when he did the work.

2 Q. Well, it's more than just doing the work.  
3 Didn't he in fact submit forms to the Schools and  
4 Libraries Division on behalf of the School Board?

5 A. That I do not recall.

6 Q. Wasn't he authorized to do that?

7 A. I don't think he was authorized to do  
8 anything until such time as he had a contract and the  
9 board appointed him as Year 6 coordinator of the  
10 project is my recollection.

11 Q. Okay. I show you what's been previously  
12 marked in this case as Exhibit P-12, which for the  
13 record is a document produced by the School Board and  
14 it contains pages Bates numbered 04668, 04671,  
15 04765 -- or excuse me, 04705, 04706 and 04707.

16 Have you ever seen that documents before?

17 A. Yes, I have.

18 Q. Do you recall when you saw them?

19 A. I believe it was when Mr. Friedman made his  
20 recommendation as our E-Rate consultant based on his  
21 review of the submittals on behalf of E-Rate. ★

22 Q. Is it your understanding that this is a  
23 document prepared by Mr. Friedman?

24 A. Yes.

25 Q. And he -- it's your testimony he presented

He filed them prior to P-12

in P-12 will

1 SUPERIOR COURT OF NEW JERSEY  
2 LAW DIVISION - ATLANTIC COUNTY  
3 DOCKET NO. ATL-L-477-04

4 RELCOMM, INC.,  
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8 FREDRICK P. NICKLES; MICRO  
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10 HAYE; MARTIN FRIEDMAN; ALEMAR  
11 CONSULTING; and JOHN DOES 1-20,  
12 Defendants.

ORIGINAL

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Tuesday, December 21, 2004  
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13 Oral sworn deposition of FREDRICK P.  
14 NICKLES, taken at the law offices of Jacobs &  
15 Bardone, 1125 Pacific Avenue, Atlantic City, New  
16 Jersey, before Robert J. Boccolini, Certified  
17 Shorthand Reporter and Notary Public of the State of  
18 New Jersey, on the above date, commencing at 10:40  
19 a.m., there being present:

20 FLASTER GREENBERG  
21 1810 Chapel Avenue West  
22 Cherry Hill, NJ 08002  
23 BY: J. PHILIP KIRCHNER, ESQ.  
24 Attorneys for Plaintiff  
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1 many issues with the cabling, the way things were  
2 done, that it was felt by a committee to -- to have  
3 the opportunity to fix those schools that were needed  
4 at the time that we submitted the Year 6 proposal, it  
5 was not -- there was not enough time to do a proper  
6 survey of the entire school district and determine  
7 exactly what needed to be replaced or updated. ★

8 So, it was a decision of the committee that  
9 we would ask to do it all and that way the whole  
10 school district would be covered. If we did not  
11 need something, then we did not have to do it. Ⓟ

12 Q. And it's your understanding that that was  
13 called for by the school district?

14 A. Yes. We had a committee. We sat down with  
15 Mr. Friedman, the same way as we sit down with  
16 architects or engineers or attorneys and discuss  
17 options. We discuss the plans we want to do and all  
18 the options are discussed with the professionals.

19 On my committee, which usually consists in  
20 this case of myself, Donna Hays, Marilyn Cohen, and  
21 the business administrator, we felt that the best  
22 plan of action to correct the network problems and  
23 the computer problems in the school district was to  
24 take this course of direction.

25 Q. Okay. So, it's your understanding that the

Didn't  
know  
I they  
needed  
it before  
asking  
in Year 6  
& Miracle  
they ask  
again in  
Year 7  
didn't do  
research

Page 226

1 specifications for the bid for Year 6 called for the  
2 re-cabling of the district?

3 A. Yes.

4 Q. Let me show you what's previously been marked  
5 as Exhibit P-56, which is a document bearing Bates  
6 number 006904 through 6906.

7 Have you ever seen P-56 before?

8 A. I don't believe so.

9 Q. For the record, these were the -- this was  
10 part of the bid package that was given to prospective  
11 bidders for the Year 6 bid.

12 A. Okay.

13 Q. Okay. Do you know who Mr. Holt is?

14 A. Yes.

15 Q. Who is Mr. Holt?

16 A. I believe Mr. Holt works with Alemar.

17 Q. Okay. And Alemar was responsible for  
18 conducting the bid for Year 6 for the school  
19 district; is that correct?

20 A. That's correct.

21 Q. Take a look at this and tell me if you see  
22 anywhere on here replacing all of the cabling in the  
23 district?

24 MR. BLEE: Objection to the form of the  
25 question.

1 THE WITNESS: (Pause.) On the second  
2 page, page 48 of this document, it appears New Jersey  
3 Avenue -- halfway down, New Jersey Avenue received  
4 200 drops and Indiana Avenue will require 180 drops.  
5 All other schools will have a minimum 50 drops with  
6 maintenance services.

7 Q. Does that mean re-cabing the entire  
8 district?

9 A. No. I don't know what it means.

10 Q. Do you know what a drop is?

11 A. I think that's where they bring the cable  
12 into a room. But that's my knowledge and that's all  
13 the expertise I have.

14 Q. Okay. Are there 200 rooms in New Jersey  
15 Avenue?

16 A. I don't know.

17 Q. Isn't it true that the re-cabing of the  
18 entire district was a recommendation of MTG in its  
19 Year 6 bid?

20 MR. SANTORI: Objection to the form.

21 THE WITNESS: I don't know.

22 Q. You don't know that?

23 A. No.

24 Q. And isn't it true that the cabing that  
25 existed or still exists in the school district was

Page 228

1 covered by a warranty?

2 A. I don't know that.

3 Q. Did you ever inquire about that?

4 A. No.

5 Q. Did you ever consider whether it made  
6 economic sense for the school district to replace  
7 cabling that was covered by a warranty?

8 A. We had a network that was failing, that were  
9 having problems. I don't know where in that network  
10 the problem exists or how many areas it existed in.

11 Professionals came in with a solution to try  
12 to fix the problem and I simply accepted their  
13 recommendations.

14 Q. Okay. Which professionals are you talking  
15 about?

16 A. Well, we asked the best solution at the best  
17 price to fix the network problems that existed and we  
18 were applying for the Year 6 grant.

19 After the review of our professional, it came  
20 back that MTG had the best solution for the best  
21 price. And if this was their solution to help fix  
22 the network problems, then that's what I understood.

23 Q. And by professional you mean Alemar?

24 A. Yes.

25 Q. And you accepted that recommendation?

1 A. Yes.

2 Q. Okay. Did you make any effort to do your  
3 own investigation as to whether MTG was the best  
4 solution for the best price?

5 A. No.

6 Q. Okay. Do you understand that MTG's price  
7 for Year 6 was more than two times higher than the  
8 next closest bidder?

9 A. No.

10 Q. You don't understand that? You don't know  
11 that?

12 A. Well, I don't know that it is two times  
13 higher than the next bidder, and I don't know what  
14 that really means.

15 We're looking for the best solution, the best  
16 total package, and the next bidder may not have  
17 provided the same total package to fix our problems.

18 So, I don't know that that question is  
19 relevant without looking at all the facts.

20 It sounds like we're talking about apples and  
21 pineapples instead of apples and apples.

22 Q. Do you know whether MTG has a license to do  
23 the cabling work that it is calling to do?

24 A. No. But I also don't know that that's a  
25 requirement that someone would have to do the cabling